

RESOLUTION NO.: 2015-65

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, ADOPTING THE CITY OF HIALEAH NON-DISCRIMINATION POLICY AND POLICY NOTICE IN COMPLIANCE WITH TITLE II, A COPY OF WHICH IS ATTACHED AS "EXHIBIT A", REAFFIRMING THE CITY'S POLICY OF NON-DISCRIMINATION RELATED TO THE CITY'S SERVICES, PROGRAMS AND ACTIVITIES, AND APPOINTING THE CITY CLERK AS THE CITY'S ADA COORDINATOR.

**WHEREAS**, the City of Hialeah is firmly committed to ensuring that no person be excluded from participation in or denied the benefits of the City's services, programs or activities because of that individual's disability, or otherwise be discriminated against on the basis of disability; and

**WHEREAS**, part of the City's commitment to equal access to its services, programs and activities is its compliance with Title II of the ADA; and

**WHEREAS**, compliance with Title II of the ADA requires that the City provide a public notice of ADA Compliance, designate an employee as ADA Coordinator, and implement an ADA grievance process; and

**WHEREAS**, the City has, after careful review, approved the following attached notice of its non-discrimination policy and grievance procedures for ADA complaints, a copy of which is attached as "Exhibit A"; and

**WHEREAS**, the City appoints the City Clerk as its ADA Coordinator.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1.** The foregoing facts and recitations contained in the preamble of this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

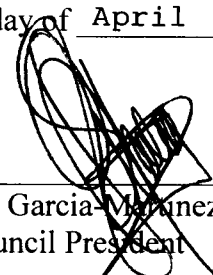
**Section 2.** The Mayor and the City Council of the City of Hialeah, Florida adopt the attached Notice of its Non-Discrimination Policy, reaffirming the City's policy of non-

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discrimination regarding the City's services, programs and activities, and appoint the City Clerk as the City's ADA Coordinator.

PASSED AND ADOPTED this 28 day of April, 2015.



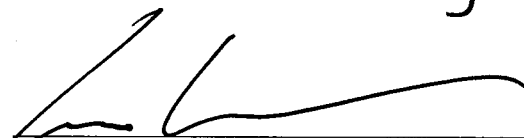
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on the 06 day of may, 2015.

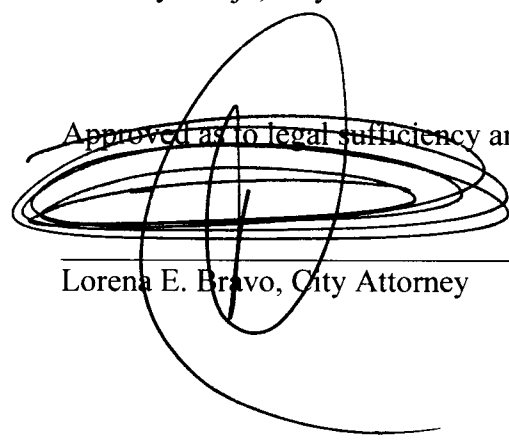


\_\_\_\_\_  
Marbelys Fatjo, City Clerk



\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

### **CITY OF HIALEAH DISABILITY NON-DISCRIMINATION POLICY**

The City of Hialeah is committed to complying with the Americans With Disabilities Act ("ADA"). In accordance with the requirements of Title II of the ADA, it is the City's policy that a qualified individual with a disability shall not be excluded from participation in or denied the benefits of the City's services, programs or activities because of that individual's disability, or otherwise be discriminated against on the basis of disability. The City will provide reasonable modifications in its policies, practices or procedures for a qualified individual with a disability, unless the modification would fundamentally alter the nature of the City's service, program or activity, or impose an undue financial or administrative burden.

The City has appointed an ADA Coordinator to assist and provide information to individuals with disabilities:

City Clerk  
City of Hialeah  
501 Palm Avenue, 3<sup>rd</sup> Floor  
Hialeah, FL 33010  
Telephone: 305-883-5820  
Facsimile: 305-883-5814  
E-Mail: [adacoordinator@hialeahfl.gov](mailto:adacoordinator@hialeahfl.gov)

### **PROCEDURE TO REQUEST A REASONABLE MODIFICATION**

**Request Related To A Public Meeting:** A request for a sign language interpreter or other auxiliary aid or service to ensure effective communication for a qualified individual with a disability to attend or participate in a public meeting should be directed to the ADA Coordinator. The request must be submitted at least seven (7) business days in advance.

**Request Related To A Service, Program or Activity** (other than a public meeting): A request for a reasonable modification of a policy, practice or procedure of the City or for a sign language interpreter or other auxiliary aid or service in order to attend or participate in a service, program or activity of the City should be directed to the City's ADA Coordinator. The request must be submitted to the ADA Coordinator at least seven (7) business days in advance of the scheduled service, program or activity.

## **GRIEVANCE PROCEDURE**

An individual may file a grievance under this policy if the individual believes that he or she: (i) has been discriminated against on the basis of disability by the City; (ii) has been excluded from participation in or denied the benefits of a City service, program or activity on the basis of disability; or (iii) has been denied a reasonable modification to access a City service, program or activity.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. The form may be submitted by fax, mail or e-mail to the ADA Coordinator. Upon request, the ADA Coordinator or the ADA Coordinator's designee will assist an individual with a disability in completing the grievance form, or will provide an alternative format for filing a grievance, such as a personal interview or audio recording.

The grievance should be submitted by the grievant and/or his designee as soon as possible, but no later than six months or one hundred eighty (180) calendar days from the date of the alleged incident. The City will only investigate grievances that are complete and that indicate a possible violation of this policy. The investigation may include interviews with the complainant and witnesses and review of the records or documents relevant to the grievance. The City will endeavor to conclude the investigation within sixty (60) days of its receipt of the grievance, although a longer period may be necessary based on the circumstances of the alleged incident. If the investigation determines that a violation of this policy occurred, the City will take corrective action to address the issue.

If more information is needed to investigate the grievance, the City may contact the complainant, who will have fifteen (15) days to submit additional information. If the complainant does not submit the information, the City may close the case. The City may also close the case if the complainant no longer wishes to pursue the grievance.

After completion of the investigation, the City will issue a notice of the investigation results and the corrective action, if applicable, to the complainant in writing or, when appropriate, in an alternative format, such as large print, Braille or an audio file.

If the complainant wishes to appeal the decision to close a case, he or she has ten (10) days from the date the written decision is received. The appeal must be in writing and should be submitted to the ADA Coordinator. The City will respond to the request for appeal in writing or, when appropriate, in an alternative format, such as large print, Braille, or an audio file. All appeals will be heard by the City Council. Appeals hearings will be scheduled at the next regular meeting of the Council.

All written grievances received by the ADA Coordinator or his designee, requests for determination review, and responses from the City will be retained by the City for at least three years.

If information is needed in another language, please contact the ADA Coordinator.

Para recibir esta información en español, por favor póngase en contacto con el coordinador del ADA.

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